

SENATE BILL 869

C8, L2

2lr2936

By: **Senators Washington, Hayes, McCray, and Sydnor**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Small Box Discount Stores – Zoning Requirements and**
3 **Community Agreements**

4 FOR the purpose of requiring the Mayor and City Council of Baltimore City to establish
5 certain requirements and take certain actions with regard to the location of and use
6 of a property as a small box discount store; and generally relating to zoning
7 requirements in Baltimore City.

8 BY adding to

9 Article – Land Use

10 Section 10–306

11 Annotated Code of Maryland

12 (2012 Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Land Use**

16 **10–306.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) “DISPERSAL REGULATION” MEANS A ZONING REGULATION THAT**
20 **REQUIRES A MINIMUM DISTANCE BETWEEN QUALIFYING USES, MEASURED IN A**
21 **STRAIGHT LINE FROM THE NEAREST POINT ON A LOT LINE OF THE PROPERTY**
22 **OCCUPIED BY ONE QUALIFYING USE TO THE NEAREST POINT ON A LOT LINE OF THE**
23 **OTHER PROPERTY OCCUPIED BY A QUALIFYING USE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “GROCERY STORE” HAS THE MEANING STATED IN § 9–254 OF THE**
2 **TAX – PROPERTY ARTICLE.**

3 **(4) “PHARMACY” HAS THE MEANING STATED IN § 12–101 OF THE**
4 **HEALTH OCCUPATIONS ARTICLE.**

5 **(5) (I) “SMALL BOX DISCOUNT STORE” MEANS A RETAIL STORE**
6 **WHERE THE MAJORITY OF THE ITEMS IN THE INVENTORY ARE OFFERED FOR SALE**
7 **AT A PRICE NOT TO EXCEED \$5.**

8 **(II) “SMALL BOX DISCOUNT STORE” DOES NOT INCLUDE:**

9 **1. A GROCERY STORE;**

10 **2. A STORE THAT CONTAINS A PHARMACY WHERE**
11 **PRESCRIPTION DRUGS ARE COMPOUNDED, DISPENSED, OR DISTRIBUTED;**

12 **3. A STORE THAT OFFERS FOR SALE GASOLINE, DIESEL**
13 **FUEL, OR ON–SITE ELECTRIC CHARGING CAPABILITIES FOR VEHICLES;**

14 **4. A RETAIL STORE WHERE THE MAJORITY OF THE**
15 **PRODUCTS SOLD ARE PERSONAL HYGIENE PRODUCTS OR COSMETICS; OR**

16 **5. A STORE THAT PRIMARILY ENGAGES IN THE RESALE**
17 **OF USED CONSUMER GOODS.**

18 **(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL:**

19 **(1) ESTABLISH A DISPERSAL REGULATION THAT PROVIDES FOR A**
20 **MINIMUM DISTANCE BETWEEN SMALL BOX DISCOUNT STORES OF 1 MILE;**

21 **(2) ESTABLISH THE DEVELOPMENT OF A SMALL BOX DISCOUNT**
22 **STORE AS A CONDITIONAL USE DEPENDENT ON WHETHER THE PROPOSED SMALL**
23 **BOX DISCOUNT STORE IS LIKELY TO HAVE A DETRIMENTAL IMPACT ON:**

24 **(I) EXISTING LOCAL RETAIL AND GROCERY STORES; AND**

25 **(II) THE DEVELOPMENT OF GROCERY STORES AND OTHER**
26 **STORES OFFERING HEALTHY FOOD OPTIONS;**

27 **(3) IMPLEMENT, AS PART OF THE APPROVAL OF A ZONING PERMIT**
28 **APPLICATION FOR A SMALL BOX DISCOUNT STORE, A REQUIREMENT THAT THE**
29 **APPLICANT, INCLUDING THE OPERATOR OR OWNER OF THE BUILDING IF THAT**

1 INDIVIDUAL IS NOT THE SAME PERSON AS THE OWNER OR OPERATOR OF THE
2 PROPOSED SMALL BOX DISCOUNT STORE, EXECUTE A COMMUNITY AGREEMENT
3 WITH THE ADJACENT COMMUNITIES WITHIN A 0.5-MILE RADIUS OF THE PROPOSED
4 SITE FOR THE SMALL BOX DISCOUNT STORE;

5 (4) NOTIFY THE ADJACENT COMMUNITIES WITHIN A 0.5-MILE RADIUS
6 OF THE PROPOSED SITE FOR THE SMALL BOX DISCOUNT STORE OF THE EXISTENCE
7 OF A ZONING PERMIT APPLICATION NOT LATER THAN 15 BUSINESS DAYS AFTER
8 SUBMISSION OF THE APPLICATION; AND

9 (5) ESTABLISH A MECHANISM FOR THE ENFORCEMENT OF
10 COMMUNITY AGREEMENTS EXECUTED UNDER ITEM (3) OF THIS SUBSECTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That Baltimore City shall
12 implement the provisions of Section 1 of this Act on or before September 1, 2022.

13 SECTION 3. AND BE IT FURTHER ENACTED, That a small box discount store in
14 Baltimore City that is in existence or that has received all necessary zoning permits before
15 the implementation of the provisions of Section 1 of this Act shall execute a community
16 agreement with the adjacent communities within a 0.5-mile radius of the small box
17 discount store not later than 60 days after the implementation of the provisions of Section
18 1 of this Act.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2022.